

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

CUSTINA GRANGER

PLAINTIFF

VS.

CIVIL ACTION NO. 5:05-cv-230 (DCB) (JMR)

SECURITAS SECURITY USA, INC.;
KENNETH GRAVES APARTMENTS;
AND RONALD PROMISE

DEFENDANTS

ORDER

This cause is before the Court pursuant to the Court's Memorandum Opinion and Order of August 23, 2006, which granted defendant Securitas' motion to compel arbitration. Said Order also granted the plaintiff ten (10) days to show good cause for her failure to serve process on defendants Kenneth Graves Apartments and Ronald Promise; and further warned the plaintiff that in the absence of good cause, said defendants shall be dismissed from this action without prejudice.

The plaintiff having failed to respond the Court's Order, the Court finds as follows:

Federal Rule of Civil Procedure 4(m) provides:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

Since the plaintiff filed her Amended Complaint on November 23, 2005, the 120-day time period for service expired on March 23, 2006. Pursuant to Rule 4(m), the Court may therefore either

dismiss without prejudice the plaintiff's claims against these defendants or direct that service be executed within a specified time. The Court finds that the former is the more appropriate course, and that the plaintiff has failed to show cause for her failure to serve process. Accordingly,

IT IS HEREBY ORDERED that defendants Kenneth Graves Apartments and Ronald Promise are hereby dismissed from this action without prejudice.

A Final Judgment dismissing this action in accordance with Rule 58 of the Federal Rules of Civil Procedure shall follow.

SO ORDERED, this the 27th day of October, 2006.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE